

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

REALTIME DATA, LLC d/b/a IXO,)
vs.)
MORGAN STANLEY, ET AL.,)
Plaintiff,) Case No. 1:11-cv-6696-KBF
vs.) 1:11-cv-6701-KBF
) 1:11-cv-6704-KBF
)
Defendants.) JURY TRIAL DEMANDED
) ECF Case

**NOTICE OF JOINDER TO EXCHANGE DEFENDANTS' MEMORANDUM OF LAW
IN OPPOSITION TO REALTIME'S MOTION FOR LEAVE TO SUPPLEMENT THE
RECORD ON THE PENDING MARKMAN CLAIM CONSTRUCTION MOTIONS
(DOCKET NO. 624 IN CASE NO. 1:11-CV-6697)**

Defendants The Goldman Sachs Group, Inc., Goldman, Sachs & Co., Goldman Sachs Execution & Clearing, L.P., J.P. Morgan Chase & Co., J.P. Morgan Securities, Inc., J.P. Morgan Clearing Corp., Morgan Stanley, Morgan Stanley & Co, Incorporated, BNY ConvergEx Group LLC, BNY ConvergEx Execution Solutions LLC, HSBC Bank USA, N.A., and HSBC Securities (USA), Inc. (collectively, “Bank Defendants”) respectfully join the Memorandum of Law in Opposition to Realtime’s Motion for Leave to Supplement the Record on the Pending Markman Claim Construction Motions filed by the Exchange Defendants in *Realtime Data, LLC v. CME Group, Inc., et al.*, Consolidated Case Nos. 1:11-cv-6697 (Dkt. No. 624), 1:11-cv-6699, and 1:11-cv-6702.¹ For the reasons presented in the Exchange Defendants’ Opposition, Bank Defendants respectfully request that the Court deny Realtime’s Motion for Leave to Supplement.

¹ The Bank Defendants understand that a similar notice of joinder will be filed by the Data Provider Defendants in *Realtime Data, LLC v. Thomson Reuters, et al.*, Consolidated Case Nos. 1:11-cv-6698, 1:11-cv-6700, and 1:11-cv-6700.

Dated: May 18, 2012

Respectfully submitted,

/s/ Daniel A. DeVito

Daniel A. DeVito
Douglas R. Nemec
Stacey L. Cohen
SKADDEN ARPS SLATE MEAGHER & FLOM LLP
Four Times Square
New York, NY 10036
Phone: (212) 735-3000
Fax: (917) 777-3210
Daniel.DeVito@skadden.com
Douglas.Nemec@skadden.com
Stacey.Cohen@skadden.com

Gareth DeWalt
Michael D. Saunders
SKADDEN ARPS SLATE MEAGHER & FLOM LLP
525 University Avenue, Suite 1100
Palo Alto, CA 94301
Phone: (650) 470-4500
Fax: (650) 470-4570
Gareth.Dewalt@skadden.com
Michael.Saunders@skadden.com

Attorneys for Defendants Morgan Stanley, Morgan Stanley & Co. Incorporated, J.P. Morgan Chase & Co., J.P. Morgan Securities, Inc., J.P. Morgan Clearing Corp., The Goldman Sachs Group, Inc., Goldman, Sachs & Co., and Goldman Sachs Execution & Clearing, L.P.

By: /s/ M. Scott Fuller (with permission)

Edwin R. DeYoung
Roger Brian Cowie
Roy W. Hardin
M. Scott Fuller
Galyn Gafford
LOCKE LORD LLP
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776
Phone: (214) 740-8000
Fax: (214) 740-8800

Gregory T. Casamento
LOCKE LORD LLP
Three World Financial Center
New York, NY 10281-2101
Phone: (212) 415-8600
Fax: (212) 303-2754

*Attorneys for Defendants HSBC Bank USA, N.A.
and HSBC Securities (USA), Inc.*

By: /s/ Michael J. Gulliford (with permission)

Steven Cherny
Michael J. Gulliford
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Phone: (212) 446-4965
Fax: (212) 446-4900
steven.cherny@kirkland.com
michael.gulliford@kirkland.com

Amanda Hollis
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
Phone: (312) 862-2011
Fax: (312) 862-2200
amanda.hollis@kirkland.com

*Attorneys for Defendants BNY ConvergEx Group,
LLC and BNY ConvergEx Execution Solutions,
LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule 5.2 via the Court's CM/ECF system on May 18, 2012, and, as such, was served on all counsel of record.

/s/ Daniel A. DeVito

Daniel A. DeVito